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P/4976-39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Darren James MANSFIELD et al.

Date: May 21, 2009

Serial No.: 10/588,985

Group Art Unit: 1625

Filed: October 12, 2006

Examiner: Morris, Patricia L.

For: 2-PYRIDINYLETHYLCARBOXAMIDE DERIVATIVES AND THEIR USE AS FUNGICIDES

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This response is in reply to the Office Action mailed April 23, 2009, for the above-identified application. Reconsideration of the application is respectfully requested.

No additional fee is required.

CONTINGENT EXTENSION REQUEST

If this communication is filed after the shortened statutory time period has elapsed and no separate petition is enclosed, the Director of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding office action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to Deposit Account No. 15-0700.

Remarks/Arguments begin on page 2 of this paper.

Application No. 10/588,985

RESPONSE TO RESTRICTION REQUIREMENT of May 21, 2009

Reply to Office Action of April 23, 2009

REMARKS/ARGUMENT

The Applicants respond to the restriction requirement of the Office Action of April 23, 2009, under 37 C.F.R. § 1.111.

Claims 1 through 15 are pending in the application. No changes are made to the claims as presented in the Applicants' Preliminary Amendment of August 10, 2006.

No additional fee is due.

Response to Restriction Requirement

The Examiner applies a restriction requirement to elect an invention for examination. Specifically, the Examiner requires the Applicants to elect between five groups of inventions identified by the Examiner.

The Applicants elect with traverse Group III, as identified by the Examiner, which includes the instances wherein het is a pyrazole. The elected compound is C-4. No change in inventorship is caused by this election.

This election is made with traverse because the claimed compounds the common generic formula should prevent additional searching. Reconsideration of the restriction is requested.

Respectfully submitted,



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